

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SAMUEL L. BROOKS,)	
)	
Plaintiff,)	
)	Civil Action No. 21-1228
v.)	Judge Cathy Bissoon
)	Magistrate Judge Lisa Pupo Lenihan
ORLANDO L. HARPER, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On May 12, 2022, the Magistrate Judge issued a Report (Doc. 23) recommending that the pending Motion (Doc. 8) for dismissal be granted with prejudice as to claims against the named Individual Defendants in their official capacities and granted without prejudice and with leave to amend as to the remainder of Plaintiff's claims against the moving Defendants. Service of the Report and Recommendation ("R&R") was made on the parties, and no objections have been filed.

After a *de novo* review of the pleadings and documents in the case, together with the R&R, the following Order is entered:

Defendants' Motion to Dismiss (Doc. 8) is **GRANTED**, the claims against the named Individual Defendants in their official capacities are **DISMISSED WITH PREJUDICE**, and the remainder of Plaintiff's claims against the moving Defendants are **DISMISSED**, without prejudice to amendment.

By June 30, 2022, Plaintiff may file an amended complaint, attempting to cure the deficiencies, identified in the R&R. The Court will not grant further opportunity for amendment, so Plaintiff must make last, best efforts to plead legally supportable claims against the relevant parties. If an amended complaint is not timely filed, dismissal of Plaintiff's claims summarily will be converted to with-prejudice.

Finally, the R&R (Doc. 23) is adopted as the Opinion of the District Court, as supplemented herein.

IT IS SO ORDERED.

June 15, 2022

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):
All Counsel of Record